IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3152 OF 2004

Shri Shyam Chokhoba Bhandare .. Petitioner

Vs.

Umesh Co-operative Credit
Society Ltd. and Ors. .. Respondents

Mr.A.A.Joshi for the petitioner

Mr.V.S.Kapse for the respondent no.1 to 3

CORAM : S.U.KAMDAR, J
DATED : 29TH NOVEMBER, 2005

P.C.:

1. By consent of the parties, the following order is passed:

2. The impugned order dt.31.2.04 being Ex'C' to the petition is quashed and set aside. Matter is remanded back to the Joint Divisional Registrar to hear afresh on the condition that the petitioner to deposit with the Respondent Society a further sum of Rs.50000/- within 4 weeks from today. The amount of Rs.50000/- which is already deposited in the court is permitted to be withdrawn by the

respondent. This withdrawal of amount deposited by the petitioner with the respondent no.1 will be subject to the final outcome of the proceeding before the Joint Divisional Registrar. Joint Div.Registrar to hear the appeal afresh without insisting on any further amount of deposit and on its own merits.

3. The appeal to be heard only after the deposit of Rs.50000/- by the petitioner. In an event if the amount is not deposited, petition to stand dismissed. It is made clear that during the pendency of the appeal, Recovery Certificate issued by the Joint Divisional Registrar is not to be implemented. Joint Divisional Registrar to dispose of the appeal by 31.3.06. Petition disposed of accordingly. No order as to costs.